

REFERENCE TITLE: victims' leave; employment rights

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## **HB 2300**

Introduced by  
Representatives Sinema, Ableser, Prezelski, Campbell CH, Campbell CL,  
Gallardo, Lopes, Lujan, Meza, Miranda B, Rios P, Ulmer

AN ACT

AMENDING SECTION 13-4439, ARIZONA REVISED STATUTES; RELATING TO CRIME VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-4439, Arizona Revised Statutes, is amended to  
3 read:

4           13-4439. Right to leave work; scheduled proceedings;  
5           counseling; employment rights; nondiscrimination;  
6           confidentiality; definition

7       A. An employer who has fifty or more employees for each working day in  
8 each of twenty or more calendar weeks in the current or preceding calendar  
9 year, and any agent of that employer, shall allow an employee who is a victim  
10 of a crime to leave work to:

11           1. Exercise the employee's right to be present at a proceeding  
12 pursuant to sections 13-4414, 13-4420, 13-4421, 13-4422, 13-4423, 13-4426,  
13 13-4427 and 13-4436.

14           2. Obtain or attempt to obtain an order of protection, an injunction  
15 against harassment or any other injunctive relief to help ensure the health,  
16 safety or welfare of the victim or the victim's child.

17           3. APPEAR IN COURT TO COMPLY WITH A SUBPOENA OR OTHER COURT ORDER AS A  
18 WITNESS IN ANY JUDICIAL PROCEEDING.

19       B. An employer may not dismiss an employee who is a victim of a crime  
20 because the employee exercises the right to leave work pursuant to subsection  
21 A of this section.

22       C. An employer is not required to compensate an employee who is a  
23 victim of a crime when the employee leaves work pursuant to subsection A of  
24 this section.

25       D. If an employee leaves work pursuant to subsection A of this  
26 section, the employee may elect to use or an employer may require the  
27 employee to use the employee's accrued paid vacation, personal leave or sick  
28 leave.

29       E. An employee who is a victim of a crime shall not lose seniority or  
30 precedence while absent from employment pursuant to subsection A of this  
31 section.

32       F. Before an employee may leave work pursuant to subsection A of this  
33 section, the employee shall do all of the following:

34           1. Provide the employer with a copy of the form provided to the  
35 employee by the law enforcement agency pursuant to section 13-4405,  
36 subsection A, the information the law enforcement agency provides to the  
37 employee pursuant to section 13-4405, subsection E, a court order the  
38 employee is subject to or any other proper documentation.

39           2. If applicable, give the employer a copy of the notice of each  
40 scheduled proceeding that is provided to the victim by the agency that is  
41 responsible for providing notice to the victim.

42       G. It is unlawful for an employer or an employer's agent to refuse to  
43 hire or employ, to bar or to discharge from employment or to discriminate  
44 against an individual in compensation or other terms, conditions or

1      privileges of employment because the individual exercises the right to leave  
2      work pursuant to subsection A of this section.

3            H. Employers shall keep confidential records regarding the employee's  
4      leave pursuant to this section.

5            I. An employer may limit the leave provided under this section if the  
6      employee's leave creates an undue hardship to the employer's business.

7            J. The prosecutor shall inform the victim of the victim's rights  
8      pursuant to this section. A victim may notify the prosecutor if exercising  
9      the victim's right to leave under this section would create an undue hardship  
10     for the victim's employer. The prosecutor shall communicate the notice to  
11     the court during the scheduling of proceedings where the victim has the right  
12     to be present. The court shall continue to take the victim's schedule into  
13     consideration when scheduling a proceeding pursuant to subsection A of this  
14     section.

15           K. For the purposes of this section, "undue hardship" means a  
16     significant difficulty and expense to a business and includes the  
17     consideration of the size of the employer's business and the employer's  
18     critical need of the employee.